रजिस्ट्री सं० डी० 221 REGISTERED NO. D. 221

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 35] नई दिल्ली, शुक्रवार, अगस्त 21, 1970/श्रावण 30, 1892
No. 35] NEW DELHI, FRIDAY, AUGUST 21, 1970/SARAVANA 30, 1892

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 21st August, 1970:—

BILL No. XVI OF 1970

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Twenty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1970. Short title.

2. In article 75 of the Constitution, for clause (5), the following clause shall be substituted, namely:— Amendment of article 75.

"(5) A person who is not a member of either House of Parliament may be appointed a Minister, but such a person shall cease to be a Minister if he is not elected or nominated to either House of Parliament within a period of six consecutive months from the date he enters upon his office:

Provided that a Minister who is a member of Parliament shall cease to be a Minister from the date he ceases to be a member of either House of Parliament.".

Amendment of article 164.

3. In article 164 of the Constitution, for clause (4), the following clause shall be substituted, namely:—

"(4) A person who is not a member of the Legislature of a State may be appointed a Minister, but such a person shall cease to be a Minister if he is not elected or nominated to the Legislature within a period of six consecutive months from the date he enters upon his office;

Provided that a Minister who is a member of the Legislature of a State shall cease to be a Member from the date he ceases to be a member of the Legislature.".

## STATEMENT OF OBJECTS AND REASONS

There is a confusion as to whether a Minister can remain in office for six months if he ceases to be a member of the Legislature during his tenure as a Minister. It is not quite clear in the Constitution from what date the period of six months will be counted in the case of such a Minister. Besides, it creates unhealthy Parliamentary traditions if a Minister who is a sitting Member of the Legislature is allowed to enjoy the privilege of continuing as a Minister even after cessation of his membership in the Legislature under articles 75(5) or 164(4) of the Constitution. Therefore, the Constitution should speak in unequivocal terms that this benefit of six months under articles 75(5) or 164(4) of the Constitution will be extended only to a fresher in the Council of Ministers and not to an existing Minister.

Hence this Bill.

PRANAB KUMAR MUKHERJEE

---

B. N. BANERJEE,
Secretary.

PRINTED BY THE GENERAL MANAGER, GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI AND PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI. 1970